FEB 7 1931
CHARLES ELMORE CROP
CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

MERCHANTS WAREHOUSE COMPANY, Appellant, vs. THE UNITED STATES OF AMERICA, INTERSTATE COMMERCE COMMISSION AND JAMES GALLAGHER, ET AL.	No. 635. October Term, 1930.
MERCHANTS WAREHOUSE COMPANY, THE COMMERCIAL EXCHANGE OF PHILADELPHIA, PHILADELPHIA BOARD OF TRADE, ET AL., Appellants, vs. THE UNITED STATES OF AMERICA, INTERSTATE COMMERCE COMMISSION AND JAMES GALLAGHER, ET AL.	No. 636. October Term, 1930.
THE PENNSYLVANIA WAREHOUSING AND SAFE DEPOSIT COMPANY, Appellant, vs. THE UNITED STATES OF AMERICA, INTERSTATE COMMERCE COMMISSION AND WALTER A. BAILEY, ET AL.	No. 638. October Term, 1930.
THE PENNSYLVANIA WAREHOUSING & SAFE DEPOSIT COMPANY, THE COMMERCIAL EXCHANGE OF PHILADELPHIA, PHILADELPHIA BOARD OF TRADE, ET AL., Appellants, vs. THE UNITED STATES OF AMERICA, INTERSTATE COMMERCE COMMISSION AND WALTER A. BAILEY, ET AL.	No. 639. October Term, 1930.
THE PHILADELPHIA WAREHOUSING & COLD STORAGE COMPANY, Appellant, vs. THE UNITED STATES OF AMERICA, INTERSTATE COMMERCE COMMISSION AND REX & COMPANY, INC., ET AL.	No. 641. October Term, 1930.
PHILADELPHIA WAREHOUSING & COLD STORAGE COMPANY, THE COMMERCIAL EXCHANGE OF PHILADELPHIA, PHILADELPHIA BOARD OF TRADE, ET AL., Appellants, vs. THE UNITED STATES OF AMERICA, INTERSTATE COMMERCE COMMISSION AND REX & COMPANY, INC., ET AL.	No. 642. October Term, 1930.

Appeals from the District Court of the United States for the Eastern District of Pennsylvania.

STATEMENT OF JURISDICTION.

IN THE

Supreme Court of the United States

MERCHANTS WAREHOUSE COMPANY, *Appellant*,	:	No. 635.
vs.	:	
THE UNITED STATES OF AMERICA, INTERSTATE COMMERCE COMMISSION and JAMES GALLAGHER, ET AL.	:	October Term, 1930.

MERCHANTS WAREHOUSE COMPANY, THE COMMERCIAL EXCHANGE OF PHILADELPHIA, PHILADELPHIA BOARD OF TRADE, ET AL, *Appellants*,	:	No. 636.
vs.	:	
THE UNITED STATES OF AMERICA, INTERSTATE COMMERCE COMMISSION and JAMES GALLAGHER, ET AL.	:	October Term, 1930.

THE PENNSYLVANIA WAREHOUSE AND SAFE DEPOSIT COMPANY, *Appellant*,	:	No. 638.
vs.	:	
THE UNITED STATES OF AMERICA, INTERSTATE COMMERCE COMMISSION and WALTER A. BAILEY, ET AL.	:	October Term, 1930.

THE PENNSYLVANIA WAREHOUSING & SAFE DEPOSIT COMPANY, THE COMMERCIAL EXCHANGE OF PHILADELPHIA, PHILADELPHIA BOARD OF TRADE, ET AL., *Appellants*, *vs.* THE UNITED STATES OF AMERICA, INTERSTATE COMMERCE COMMISSION and WALTER A. BAILEY, ET AL.	No. 639. October Term, 1930.
THE PHILADELPHIA WAREHOUSING & COLD STORAGE COMPANY, *Appellant*, *vs.* THE UNITED STATES OF AMERICA, INTERSTATE COMMERCE COMMISSION and REX & COMPANY, INC., ET AL.	No. 641. October Term, 1930.
PHILADELPHIA WAREHOUSING & COLD STORAGE COMPANY, THE COMMERCIAL EXCHANGE OF PHILADELPHIA, PHILADELPHIA BOARD OF TRADE, ET AL., *Appellants*, *vs.* THE UNITED STATES OF AMERICA, INTERSTATE COMMERCE COMMISSION and REX & COMPANY, INC., ET AL.	No. 642. October Term, 1930.

Appeals From The District Court of The United States For the Eastern District of Pennsylvania.

STATEMENT OF JURISDICTION.

In compliance with Rule 12 of this Court, the appellants submit herewith their statement showing the basis of this Court's jurisdiction:

A.

STATUTES.

This Court has jurisdiction of these appeals under the following statutes:

Section 238 of the Judicial Code as amended by the Act of February 13, 1925, c. 229, 43 Stat. 936, 938, paragraph (4) (U. S. C. Title 28, Sec. 345).

Urgent Deficiencies Act of October 22, 1913, c. 32, 38 Stat. 208, 219, 220 (U. S. C. Title 28, Secs. 45a and 47).

B.

DATE OF DECREE AND APPLICATION FOR APPEAL.

The final decree (R. 145)[1] sustaining the order of the Interstate Commerce Commission was entered November 19, 1930. The applications for the appeals in numbers 635,

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[1]All references to the record are to the pages of the certified unprinted record prepared by the Clerk of the District Court and on file with the Clerk of this Court. The record has not yet been printed.

638 and 641 were presented the same day, to wit, November 19, 1930. (R. 147, 642, 768) The applications for appeals in numbers 636, 639 and 642 were presented December 23, 1930, (R. 158, 652, 783).

C.

NATURE OF THE CASE.

The suits were brought below to enjoin and annul an order of the Interstate Commerce Commission issued December 28, 1929, in proceedings entitled "No. 20968, *James Gallagher, et al.* v. *Pennsylvania Railroad*", which also embraced No. 20968, Sub-No. 1. *Walter A. Bailey, et al.* v. *Baltimore & Ohio Railroad Company;* and No. 20968, Sub-No. 2. *Rex & Company, Inc., et al.* v. *Reading Company* 160 I. C. C. 563.

The case concerned the loading and unloading of package freight, and other services, rendered at certain warehouses in Philadelphia, to wit, those of the Merchants Warehouse Company, (Appellant in No. 635), Pennsylvania Warehousing & Safe Deposit Company (Appellant in No. 638) and Philadelphia Warehousing & Cold Storage Company (Appellant in No. 641). The Commercial Exchange of Philadelphia and four other associations of merchants (Appellants in Nos. 636, 639, and 642) intervened before the Commission and in the District Court. The order required the railroad companies named therein to cancel their tariff provisions which make the warehouses of the appellants a part of the railroad companies' station facilities at Philadelphia, and required them to cease and desist from publishing or making allowances to those warehouse companies in connection with the loading and unloading of package freight (Proceedings before the Commission, page 53-54). The Commission had found in its report (ibid. p. 52) that the allowances were rebates,

payment of which resulted in unjust discrimination and undue prejudice.

The specially constituted District Court filed its findings of fact (R. 95) and its written opinion (R. 58) holding that the order was valid in all respects and dismissed the petitions for injunction.

D.

CASES SUSTAINING JURISDICTION.

The following cases are believed to sustain the jurisdiction of this Court:

Beaumont, Sour Lake & Western Railway Company vs. United States, 282 U. S. 74.

United States v. Village of Hubbard, 266 U. S. 474.

The Chicago Junction Case, 264, U. S. 258.

Skinner & Eddy Corporation v. United States, 249 U. S. 557.

Interstate Commerce Commission v. Diffenbaugh, 222 U. S. 42.

Respectfully submitted,

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Solicitors for Appellants.